

FILED

08-56099 UNITED STATES COURT OF APPEALS

AUG 29 2008

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

RAYMOND ROBINSON,

Plaintiff - Appellant,

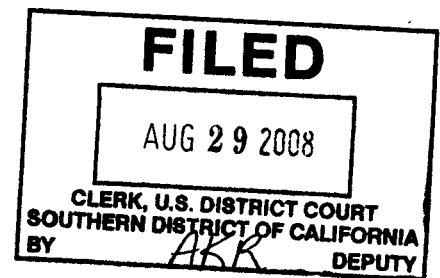
v.

DAVID RUBIN,

Defendant - Appellee.

No. 08-56099

D.C. No. 3:08-cv-00244-DMS
Southern District of California,
San Diego



RAYMOND ROBINSON,

Plaintiff - Appellant,

v.

DAVID RUBIN,

Defendant - Appellee.

No. 08-56379

D.C. No. 3:08-cv-00244-DMS
Southern District of California,
San Diego

ORDER

A review of the record demonstrates that appeal No. 08-56379 encompasses the final judgment and all orders issued prior to entry of the final judgment. *See* Fed. R. App. P. 4(a)(4); *Litchfield v. Spielberg*, 736 F.2d 1352, 1355 (9th Cir. 1984) (an appeal from a final judgment draws into question all earlier, non-final orders and rulings which produced the judgment). Consequently, premature appeal No.

08-56099 is dismissed as duplicative and unnecessary.

The briefing schedule established on August 21, 2008 in No. 08-56379 shall continue to govern that appeal.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

Monica Fernandez
Motions Attorney/Deputy Clerk